

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
October 13, 2011
COUNCIL CHAMBERS
6:30 p.m.**

CALL TO ORDER: Mayor Deborah A. Norkavage called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

MAYOR	DEBORAH A. NORKAVAGE	PRESENT
1 ST DISTRICT	JOHN JAREMCHUK, JR.	PRESENT
2 ND DISTRICT	STEVEN BURG	PRESENT
3 RD DISTRICT	ROBERT KACPERSKI	PRESENT
4 TH DISTRICT	CHARLES MCKEWEN	PRESENT
5 TH DISTRICT	JOANN I. PERSONTI	ABSENT
6 TH DISTRICT	EDWARD OLGA	PRESENT

Town Solicitor, Edward McNally – Present
Town Manager, John Giles – Present
Chief of Police, Laura Giles - Absent

PUBLIC COMMENT:

Neil Clayton-Smith owner of several rental properties in the Silverbrook Gardens neighborhood and received several citations during the sweep conducted on September 10, 2011. He stated that he disagrees with instant tickets and the fact that the Town issues the fines without a chance to correct the problem first, he feels that if the Town conducts the rental inspections and does not mention the same violations which have existed for some time and then comes by and does a sweep and issues the violations with fines. He feels that he is not getting the services that he pays for through his rental permits when the inspections take 5 minutes and his properties get inspected maybe once a year twice if he has a quick move-in move-out tenant.

Councilman Jaremchuk asked if Mr. Clayton-Smith was aware of the right to appeal.

Mr. Clayton-Smith stated that the way he understood he was only able to appeal if the violation doesn't exist, which it does exist and has for several years.

Councilman Burg explained to Mr. Clayton-Smith that the intention of changing the ordinance was not to generate funds but to stop the residents from abusing the system and help prevent repeat offenders. The resident is more likely to keep his property up if he was receiving fines when he didn't.

Councilman Jaremchuk stated that the Council has had several debates over the last few years regarding this topic and whether or not to go with a grace period or instant fine. He stated that the ordinance originally had the grace period and after several years we amended the ordinance to reflect an instant fine. He stated that he is still open to a discussion to switch back to the grace period.

Mayor Norkavage stated that she wishes that Mr. Clayton-Smith had filed an appeal if he was unhappy with the tickets. She also stated that the Police have a similar law, if you glide slowly through a stop sign you receive an instant ticket and have the right to appeal the ticket.

Councilman Jaremchuk stated that the Town had its own appeal Board through the Board of Adjustment which also means that there are no costs with appealing a citation; no court costs just the original fines as issues if the appeal is lost.

Town Manager Giles informed Mr. Clayton-Smith that he has been made aware of several citations similar to one of his where the fascia board behind the electrical wires need replacing. He stated that if Mr. Clayton-Smith were to call him on Monday with the Citation Number that he would be willing to drop that particular citation since that is something that is difficult for him to do, a licensed profession would be necessary due to the electric.

Mrs. Joann Woolard owner of several rental properties in the Silverbrook Gardens neighborhood also expressed her disagreement with the instant ticket program and the sweep which was conducted in that neighborhood. She asked if the code was being enforced strictly in Silverbrook Gardens.

Mayor Norkavage stated that the code is enforced Town Wide and that any resident can submit a complaint one of three ways, to write the town a letter, submit a complaint on the website or contact Town Hall.

Town Manager John Giles stated that on the date of the sweep conducted they also did a sweep of the Fenwick Park Apartments area. He stated that there were 92 citations issued in the Silverbrook Gardens Neighborhood and 178 Citations issued at the Fenwick Park Apartments.

ACTION: A motion was made by Mayor Norkavage to hear New Business at this time. The motion was seconded by Councilman Jaremchuk

VOTE: 6-0 with 1 absent All-in-Favor Motion carried

NEW BUSINESS:

Consideration of Resolution 11-10

ACTION: A motion was made by Mayor Norkavage to consider Resolution 11-10. The motion was seconded by Councilman Jaremchuk.

VOTE: 6-0 with 1 absent All-in-Favor Motion carried

At this time Resolution 11-10 was presented to Girl Scout Troop 392.

Consideration of Resolution 11-11

ACTION: A motion was made by Mayor Norkavage to consider Resolution 11-11. The motion was seconded by Councilman Jaremchuk.

VOTE: 6-0 with 1 Absent All-in-Favor Motion carried

At this time Resolution 11-11 was presented to Ms. Ruth N. Casalvera.

APPROVAL OF MINUTES:

Councilman Jaremchuk relayed that Councilwoman Personti requested that it be announced that she has some concerns with the minutes and has asked that the be passed on until the November 2011 Council Meeting.

At this time there were no objections and the minutes were passed on.

PRESENTATION:

Town Manager John Giles stated that there will be a presentation regarding a company who does publicly bided prices that they can give that will help quicken the bid process and should save the Town money.

At this time there was a brief recess due to a malfunction of the Audio Recording Equipment.

At this time The Meeting was brought back into session

At this time Richard Astle of The Gordian Group / EZIQC presented their bid program which has been used by the State of Delaware and how it could save the Town Money.

NEW BUSINESS:

Consideration of a request from the Town Manager to transfer funds to address shortfalls within the budget.

Town Manager John Giles stated that we have had an increase in Business Insurance that we did not budget for and would like to transfer funds from the Workman's Comp and Employee Longevity to cover this shortfall.

Councilman Jaremchuk asked if we had these numbers during the budget.

Town Manager John Giles stated that we had been given a percent that the insurance was supposed to increase by and it was higher than originally quoted.

ACTION: A motion was made by Councilman Jaremchuk to approve the requested budget transfers. The motion was seconded by Councilman McKewen.

VOTE: 6-0 with 1 absent All-in-Favor Motion carried

OLD BUSINESS:

Update from Councilwoman Personti regarding a meeting with the VA Hospital.

Town Manager John Giles stated that although Councilwoman Personti is not present he can give the update. He stated that due to debris buildup along the VA Hospital fence line in the rear of Spruce Avenue through Councilwoman Personti's aide the residents and the Town were able to meet with representatives from the Hospital and make a request that portions of the fence be removed to allow the debris to continue to flow downstream. Since that meeting a letter from the VA Hospital has been received agreeing to change the fence line and the work has been completed and resolved.

DEPARTMENTAL REPORTS:

Code Enforcement

Town Manager John Giles stated that in addition to the written report he has an update regarding the sweeps conducted on September 10, 2011. Fenwick Park Apartments received 178 Citations, 85 of which received immediate fines through the new ordinance. Since then 75 of those have been corrected, the remaining 103 are due for inspection on Monday, October 17, 2011, he reported that he has been contacted by the complex requesting a 7 day extension on 2 items, basement mold abatements and roof repairs. He stated that they are in progress and contractors are scheduled however they will not be completed before the deadline and the extension was granted.

Councilman Jaremchuk asked if the fines for the instant fines had been paid.

Town Manager John Giles stated that they too are due on Monday, October 17, 2011. In addition there were several citations which he removed due to repeat violations in the same room.

Town Manager Giles reported that in Silverbrook Gardens 94 Citations have been issued, 8 Citations have been appealed, and 51 of those 94 have already been corrected. He stated that he has taken anyone who had the fascia board behind the electrical wires, he stated some of those he voided the fines and the residents did have the violations corrected anyhow.

Mayor Norkavage asked when the Board of Adjustment Meeting was scheduled.

Town Manager Giles confirmed it will be Tuesday, October 25, 2011. He then stated that there was a meeting held with the Fenwick Apartments where an agreement was met to have the Code Enforcement Officer walk the complex with them on a quarterly basis to point out any additional violations they may have missed.

Mayor Norkavage asked if we have offered this opportunity to the Fenwick Apartments don't we then have to offer this same opportunity to the property owner in the Silverbrook Gardens area.

Town Manager John Giles stated that he has not received such a request yet.

Ms. Joann Woolard stated that she would be interested in that service.

Town Manager John Giles stated that if she were to call and request it the Code Enforcement Office would happily scheduled such an inspection.

Finance

Town Manager John Giles stated that the written report is included in the packet and that delinquent tax notices have gone out and residents are trying to get them paid. He stated that we have also received a number of requests for payment plans this year due to the economy.

Public Safety

Councilman Jaremchuk stated that 7 complaints in his district were on New Road and he is not sure if they are correctly in his district, also a complaint on Linden Street and S. Lincoln Street which is not in his district.

Public Works

Town Manager John Giles stated that in addition to written report they have unfortunately had to dismiss an employee from the Public Works Department and have since then conducted interviews and have hired an employee who will start on October 31, 2011.

Councilman Burg asked what type of background the employee had.

Town Manager Giles stated general maintenance skills, had previously obtained a CDL Drivers Permit and never followed through so obtaining that should not be an issue as well and some computer and organizational skills.

Town Manager

Town Manager Giles stated that in addition to the written report at their places they should have the 2011 Street Improvement Program. They will be asked to bid the first two streets and bid the last three as add alternates.

Councilman Jaremchuk asked about the last street in the program stating that he thought the State was going to do that project.

Town Manager John Giles stated that the state was only interested in doing it for a nominal fee if there was contribution from Senator Blevins, Representative Mitchell and the Town. The fee proposed is not considered to be nominal.

ACTION: A motion was made by Councilman Burg to approve the Street Improvement Program. The motion was seconded by Councilman McKewen.

VOTE: 6-0 with 1 absent All-in-Favor Motion carried

Town Manager John Giles stated that he has received a letter from New Castle County has received letters objecting to the renumbering of DuPont Road and have abandoned the effort to renumber from Kirkwood Hwy to Rt. 52.

Councilman Olga asked what is going on at the property located at the intersection of New Road and DuPont Road.

Town Manager John Giles stated that the owners of Hawkins and Sons has purchased the property and we have been told two conflicting stories, one that one of the brothers will be moving into the property, the second that they will be having a tenant. The Code Enforcement Department has issued a Stop Work Order due to the clearing of trees and shrubs and the placement of stone across the whole side of the property.

Town Manager John Giles stated that the Holiday Parade will be Sunday, December 11, 2011 due to business opposition for the Saturday parade due to open businesses.

Councilman Olga asked what was the status of the recycle can collections requested from the Dogwood Hollow and Greenbrier Neighborhoods.

Town Manager John Giles stated that we have had 5 people in those neighborhoods request that they be collected and a number of others Town Wide.

Councilman Burg asked if a resident requests an additional container can they get one.

Town Manager John Giles stated that there are currently not enough containers to issue additional containers; however he has heard rumor from DNREC that there may be a second funding cycle for smaller containers.

Mayor Norkavage asked if we have an idea on the effect it has had on the tons taken to the landfill.

Town Manager John Giles stated that the first two collections were 15 tons each collection and a total of 43 tons total so far. He then stated that there is a training course through the University of Delaware that is available if anyone is interested.

Councilman Olga asked about the possibility of renaming a park in recognition of Lt. Szczerba.

Town Manager John Giles stated that he believes that there will be a time where that is appropriate, however he would like to give the family a chance to grieve and the County a chance to do their recognitions. Town Manager John Giles stated that he would like to go to the family after the first of the year to let the loss settle.

ITEMS SUBMITTED BY THE MAYOR AND COUNCIL:

Councilman Jaremchuk stated that the Mayor and Town Manager attended the County Council Meeting regarding the Stoltz project and commended the Mayor for representing the Town in the matter and showing our support of the Compromise Plan. He stated that he handed out a letter at the beginning of the meeting that he would like to submit to the Editor of the Wilmington News Journal stating the Town's position on this project.

ACTION: A motion was made by Councilman Jaremchuk to send the letter to the News Journal. The motion was seconded by Mayor Norkavage.

VOTE: 6-0 with 1 absent All-in-Favor Motion carried

Councilman Burg asked what the status of the Project on M Street for the debris removal along the fence.

Town Manager John Giles stated that the project was started and that there were questions from the volunteer program regarding the Town's involvement in the project, where the Town thought that this was a project that they would do and they thought that they were assisting the Town in this project. However, the questions have been addressed and the kids are working on other project and they will go back before the weather gets too bad. He also stated that we have been told that the State is moving with the walking path and that we should hear from their engineers soon regarding the project.

ACTION: A motion was made by Councilman Jaremchuk to go into an Executive Session for legal reasons and to return to the public. The motion was seconded by Councilman Burg.

VOTE: 6-0 with 1 absent All-in-Favor Motion carried

PUBLIC COMMENT: None

ADJOURNMENT:

ACTION: A motion was made by Councilman Jaremchuk to Adjourn. The motion was seconded by Councilman Burg.

VOTE: 6-0 with 1 absent All-in-Favor Motion carried

These minutes summarize agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

DEBORAH A. NORKAVAGE
MAYOR

JOANN I. PERSONTI
SECRETARY